

02-277

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Federal Communications Commission  
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NOV 11 2002

Re: Request for Data From Media Studies  
Docket No. 02-277

Dear Paul:

As we discussed on the phone yesterday, we wish to inquire as to whether the *Commission* can provide us certain materials relating to the data underlying the twelve studies the Commission released last week. Because of the *tight* deadlines, we hope that this informal process can expedite the release of as much information as possible.

In particular, our consultants need access to all data sets collected for all twelve of the studies, all regressions conducted as part of the studies, any outputs from these regressions, and all communications and correspondence between the Commission (and its staff) and the independent researchers.

Given the importance of this proceeding -- Ken Ferree has likened its importance to the replacement of Aristotelean cosmology by the Copernican model -- it is critical for the public to have *the* capacity to participate *meaningfully* in this proceeding. To do that, we require more than the published reports. We need to have access to the same data used to reach these results, so that we can have a full understanding of how the researchers reached their conclusions.

You informed me that some of the information used by the researchers may be proprietary in nature. We certainly understand the need to protect such sensitive information just as you understand that the Commission cannot base a decision on information not in the record. Fortunately, the Commission has well-established procedures for the controlled release of proprietary data, and we are prepared to work with you to construct a suitable protective order should that be necessary.. We will work to confirm as quickly as possible which of the consultants may need access to the data and to minimize distribution to the fewest number of people

Because of the tight deadlines, we are eager to get as much information as we can as soon as we can. We are not asking for this information under the Freedom of Information Act, but rather as part of the ongoing regulatory proceeding. As such, we hope to avoid the usual FOIA backlog. Please give me or Andy a call if there is anything we can do to help move things along.

Sincerely,

A handwritten signature in dark ink, appearing to read "Harold Feld".

Harold Feld  
Associate Director